

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Case No. S-2542

PETITION OF MADELINE ANNE FELTUS

OPINION OF THE BOARD

(Date of Decision: January 8, 2003)

(Effective Date of Decision: February 4, 2003)

Case No. S-2542 is an application for a special exception pursuant to Section 59-G-2.00 (Accessory Apartment) of the Zoning Ordinance to permit an existing accessory apartment. Pursuant to the authority in Section 59-G-4.125 of the County Code, the Board of Appeals referred the case to the Hearing Examiner to conduct a public hearing and render a written report and recommendation to the Board for final action. The Hearing Examiner convened a public hearing on November 22, 2002, and issued a Report and Recommendation dated December 11, 2002.

Decision of the Board: Special Exception **granted**, subject
to conditions enumerated below.

The subject property is Lot 3, Tall Trees Subdivision, located at 24248 Hipsley Mill Road, Laytonsville, Maryland, in the RDT Zone.

The Board has carefully considered the Report and Recommendation. At its Worksession on January 8, 2003, the Board voted to adopt the Report and Recommendation and grant the special exception subject to the following conditions:

1. Petitioner shall be bound by her testimony and exhibits of record, including Exhibit Nos. 1, 3 and 5, to the extent that such evidence and representations are identified in the Hearing Examiner's Report and Recommendation and in the opinion of the Board.
2. The Petitioner shall either install a stove or provide access to the main kitchen for cooking.
3. Only one individual may reside in the accessory apartment.

4. The accessory apartment must be maintained in compliance with the Montgomery County Housing Code.
5. The Petitioner must reside at the subject property.

On a motion by Donna L. Barron, seconded by Louise L. Mayer, with Angelo M. Caputo, Allison Ishihara Fultz and Donald H. Spence, Jr., Chairman in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled case.

Donald H. Spence, Jr.
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 4th day of February, 2003.

Katherine Freeman
Executive Secretary to the Board

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.